

REMARKS

Claims 24-47 are pending in the above-identified application. The Examiner rejected claims 24-47. With this Amendment, claims 24 and 37 are amended, and claim 25 is cancelled.

Claims 24-47 were rejected under the doctrine of obviousness-type double patenting over claims 1-7, 9-18 and 20-22 of U.S. Patent No. 6,650,563. A Terminal Disclaimer is filed herewith to overcome the double patenting rejection. The double patenting rejection was the only rejection regarding claims 33-36 and 38-47. Therefore, Applicant submits that claims 33-36 and 38-47 are allowable.

CLAIM REJECTIONS UNDER 35 U.S.C. § 112, ¶ 2

Claims 24-32 stand rejected under 35 U.S.C. § 112, ¶ 2, as being incomplete for omitting essential structural cooperative relationships of elements.

Applicant has amended claim 24 for clarification and believes the 35 U.S.C. § 112, ¶ 2, rejection has been overcome.

It is therefore respectfully requested that the rejection under 35 U.S.C. § 112, ¶ 2, be withdrawn with respect to independent claim 24 and its dependent claims 25-32.

Claim 37 stands rejected under 35 U.S.C. § 112, ¶ 2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant has amended claim 37 for clarification and believes the 35 U.S.C. § 112, ¶ 2, rejection has been overcome.

It is therefore respectfully requested that the rejection under 35 U.S.C. § 112, ¶ 2, be withdrawn with respect to claim 37.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102(b)

Claims 24-31 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Chang et al. (U.S. 5,646,060).

With regard to the anticipation rejections, MPEP 2131 states that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of*

Appln. No.: 10/657,848
Amendment dated June 8, 2004
Reply to Office action of March 10, 2004

California, 814 F.2d 628, 631 2 USPQ2d 1051, 1053 (Fed.Cir. 1987). The MPEP 2131 also states that "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Regarding independent claim 24 and its dependent claims (i.e., claims 25-31), claim 24 recites "[a] memory cell providing reading, writing, and storage of a data bit, said cell comprising a first transistor having a first source node, a first gate node, and a first drain node; and a second transistor having a second drain node that is electrically connected to said first drain node, said second transistor having a second source node that is electrically floating, and a second gate node that is connected to a bias voltage level."

It is respectfully submitted that the cited prior art, Chang, does not teach the claimed invention of claim 24. More specifically, for example, Chang does not teach a second transistor having a drain that is electrically connected to the drain of a first transistor. Instead, Chang discloses a cell comprising "an isolation transistor and a floating gate transistor . . . [and a] doped region [that] serves both as a source region of [the] floating gate transistor and a drain region of [the] isolation transistor." (Column 5, lines 1-2, 10-13.)

CONCLUSION

By this response, claims 24 and 37 have been amended, and claim 25 has been cancelled.

Based on at least the foregoing, Applicant believes that claims 24-47 are in condition for allowance. If the Examiner disagrees or has questions regarding this submission, Applicant invites the Examiner to telephone the undersigned at (312) 775-8000.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Dated: June 8, 2004

Respectfully submitted,

McAndrews, Held & Malloy, Ltd.
500 W. Madison, 34th Floor
Chicago, IL 60661
312 775 8000



Christopher C. Winslade
Reg. No. 36,308
Attorney for applicant